

**MINUTES
OF
DISABILITY APPEALS COMMITTEE
February 21, 2014 at 9:00 A.M. E.T.
Board Room
Perimeter Park West, 1270 Louisville Road
Frankfort, Kentucky 40601**

At the meeting of the Disability Appeals Committee, held on February 21, 2014, the following members were present: Ed Davis, Chair, David Rich and Mary Hook, Proxy on behalf of Timothy Longmeyer.

In addition, those present were Liza Welch, KRS, Deborah Crocker, KRS and Tracy Chambers, Recording Secretary.

It was moved by Mr. Rich, seconded by Ms. Hook, and carried to approve the Minutes of the January 23, 2014 Disability Appeals Committee Meeting.

The following cases were decided at the last meeting and were deferred so that Final Orders could be drafted: Administrative Action Numbers: 12-D-49 & 12-D-88. Final Board of Trustees Orders for each were approved and signed in open session.

Mr. Davis noted the necessity of closed session for the purpose of reviewing the disability applications of Administrative Action Numbers: 13-D-02, 12-D-135, 12-D-64, 11-D-34, 12-D-74, 12-D-93, 11-D-78, 12-D-83, 11-D-120, 12-D-51, 11-D-151, 12-D-125, 13-D-25, 13-D-65 and 11-D-154.

Following discussion in closed session, the Committee returned to open session, whereafter the following transpired.

It was moved by Ms. Hook, seconded by Mr. Rich, and carried unanimously, that the Committee members having considered the record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 13-D-02, to reject the Hearing Officer's Report to approve duty-related disability retirement benefits, and to instead, issue a Board of Trustee's Order, denying claimant's application for duty-related disability retirement benefits.

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It was moved by Mr. Rich, seconded by Ms. Hook, and carried unanimously, that the Committee members having considered the record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 12-D-135, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to approve claimant's application for disability retirement benefits, with review in five years. Approval is based upon the cumulative effect of the claimant's mental health conditions which include: PTSD, major depressive disorder, chronic adjustment disorder and explosive disorder.

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It was moved by Ms. Hook, seconded by Mr. Rich, and carried unanimously, that the Committee members having considered the record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 12-D-64, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to deny claimant's application for disability retirement benefits.

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It was moved by Mr. Rich, seconded by Ms. Hook, and carried unanimously, that the Committee members having considered the record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 11-D-34, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to deny claimant's application for disability retirement benefits.

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It was moved by Mr. Rich, seconded by Ms. Hook, and carried unanimously, that the Committee members having considered the record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 12-D-74, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to approve claimant's application for disability retirement benefits, with review in five years. Approval is based upon the claimant's chronic degenerative disc disease of the lower thoracic and lumbosacral spines with chronic back pain.

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It was moved by Mr. Rich, seconded by Ms. Hook, and carried unanimously, that the Committee members having considered the record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 12-D-93, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to deny claimant's application for disability retirement benefits.

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It was moved by Ms. Hook, seconded by Mr. Rich, and carried unanimously, that the Committee members having considered the record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 11-D-78, to accept the Hearing Officer's Report on Remand, Findings of Fact, Conclusions of Law, and to deny claimant's application for disability retirement benefits and duty-related disability retirement benefits.

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It was moved by Ms. Hook, seconded by Mr. Rich, and carried unanimously, that the Committee members having considered the record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 12-D-83, to accept the Hearing Officer's Report, as modified in the Board of Trustees Final Order, and to deny claimant's application for disability retirement benefits.

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It was moved by Mr. Rich, seconded by Ms. Hook, and carried unanimously, that the Committee members having considered the record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 11-D-120, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to deny claimant's application for disability retirement benefits.

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It was moved by Mr. Rich, seconded by Ms. Hook, and carried unanimously, that the Committee members having considered the record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 12-D-51, to remand this case to Systems with the following instructions. Systems shall re-submit this case to the Medical Review Board for a second review that is to include all the medical records submitted. After that review is completed, Systems shall resubmit the case to the hearing officer who is instructed to re-review the entire administrative record, including the second MRB review and issue a Recommended Order on Remand. The hearing officer shall issue her Recommended Order on Remand as promptly as possible to minimize any further delay to the parties.

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It was moved by Ms. Hook, seconded by Mr. Rich, and carried unanimously, that the Committee members having considered the record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 11-D-151, to accept the Hearing Officer's Report, as modified in the Board of Trustees Final Order, and to deny claimant's application for disability retirement benefits.

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It was moved by Ms. Hook, seconded by Mr. Rich, and carried unanimously, that the Committee members having considered the record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 12-D-125, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to approve claimant's application for disability retirement benefits, with review in five years. Approval is based upon the cumulative effect of the following mental health issues: depression, anxiety and PTSD.

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It was moved by Mr. Rich, seconded by Ms. Hook, and carried unanimously, that the Committee members having considered the record, including the order of dismissal and any exceptions duly filed, in the case of Administrative Action Number: 13-D-25, to accept the Order of Dismissal and to dismiss claimant's appeal of his denial for disability retirement benefits, at the claimant's own request.

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It was moved by Mr. Rich, seconded by Ms. Hook, and carried unanimously, that the Committee members having considered the record, including the order of dismissal and any exceptions duly filed, in the case of Administrative Action Number: 13-D-65, to accept the Order of Dismissal and to dismiss claimant's appeal of her denial for duty-related disability retirement benefits, at the claimant's own request.

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It was moved by Mr. Rich, seconded by Ms. Hook, and carried unanimously, that the Committee members having considered the record, including the order of dismissal and any exceptions duly filed, in the case of Administrative Action Number: 11-D-154, to accept the Order of Dismissal and to dismiss claimant's appeal of her denial for disability retirement benefits, at the claimant's own request.

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There being no further business, the meeting was adjourned at 11:38 A.M., E.T. to meet on March 27, 2014 at 9:00 A.M., E.T.

CERTIFICATION

I, Tracy Chambers, do certify that I was present at this meeting, and I have recorded the above action of the Committee on the various items considered by it at this meeting.

Tracy Chambers 3 / 27 / 14
Tracy Chambers Date
Recording Secretary

I, Ed Davis, do certify that the Minutes of the meeting held on February 21, 2014 were approved by the Disability Appeals Committee on March 27, 2014.

Ed Davis 3/27/14
Ed Davis, Chair Date
Disability Appeals Committee

I, Deborah Crocker, was present at the February 21, 2014 Disability Appeals Committee meeting, and have reviewed the minutes for form, content and legality.

Deborah Crocker 3/27/14
Deborah Crocker Date
KRS Staff Attorney